

P&G Case 8624

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of

RAUL V. NUNES, et al. : Confirmation No. 1041

Serial No. 10/014,377 : Group Art Unit: 1761

Filed: December 11, 2001 : Examiner: Helen F. Pratt

For: FATTY ACID COMPOSITIONS HAVING SUPERIOR STABILITY AND FLAVOR

**PROPERTIES** 

## TERMINAL DISCLAIMER UNDER 37 CFR § 1.321

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

## Dear Sir:

Petitioner, The Procter & Gamble Company, is the owner of the entire right, title and interest in the above-identified application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173, as shortened by any terminal disclaimer of U.S. Patent Application Serial No. 10/014,980, file don July 2, 2001, which granted on July 6, 2004 as U.S. Patent No. 6,759,073, assigned to The Procter & Gamble Company. The evidentiary documents for the assignments have been reviewed, and petitioner certifies that to the best of petitioner's knowledge and belief, title is in the assignee to take this action. Petitioner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that it and U.S. Patent No. 6,759,073, are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to § 156 and § 173 of U.S. Patent No. 6,759,073, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has

all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Authorization is given to charge Deposit Account No. 16-2480 for the fee required under 37 CFR § 1.20 (d) for submission of this Terminal Disclaimer. A duplicate copy of this correspondence is enclosed to facilitate charging of the fee.

Respectfully submitted,

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July 14, 2004

Customer Number: 27752